

PART 1302—BAN OF EXTREMELY FLAMMABLE CONTACT ADHESIVES

Sec.

- 1302.1 Scope and application.
- 1302.2 Purpose.
- 1302.3 Definitions.
- 1302.4 Banned hazardous products.
- 1302.5 Findings.
- 1302.6 Effective date.

AUTHORITY: Secs. 8, 9; 86 Stat. 1215–1217 as amended; 90 Stat. 506; (15 U.S.C. 2057, 2058).

SOURCE: 42 FR 63731, Dec. 19, 1977, unless otherwise noted.

§ 1302.1 Scope and application.

(a) In this part 1302 the Consumer Product Safety Commission (Commission) declares extremely flammable contact adhesives and similar liquid or semiliquid consumer products to be banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those extremely flammable contact adhesives and similar liquid or semiliquid consumer products, as defined in §1302.3(b), which are in commerce or are being distributed in commerce on or after the effective date of this regulation, and which are consumer products (as defined in section 3(a) of the Act (15 U.S.C. 2052) customarily produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

(b) An extremely flammable contact adhesive as defined in §1302.3(b) is a banned hazardous product if the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to, or use by consumers, or if the manufacturer, distributor, or retailer fosters or facilitates the product's sale to, or use by, consumers. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, for sale to consumers would be included in the scope of the ban even though such outlets may sell such products primarily to industrial or professional users. The manufacturer who markets an extremely flammable contact adhesive which would be subject to the ban if sold to consumers has the responsi-

bility for determining the distribution and use patterns of its product and for taking all reasonable steps to ensure that the product is not made available for sale to consumers. The test of whether a contact adhesive is banned shall be whether the product, under any customary or reasonably foreseeable condition of distribution, or sale, is made available for purchase by consumers.

(c) Contact adhesives that are labeled as, marketed, and sold solely for industrial or professional use are not within the scope of this ban. However, merely labeling a contact adhesive for industrial or professional use only would not exclude such products from this ban. In addition, packaging a contact adhesive in a large size container would not in itself exclude the product from this ban.

(d) The Commission has found that the contact adhesives covered by this ban are being, or will be distributed in commerce; and present an unreasonable risk of injury; and that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products.

§ 1302.2 Purpose.

The purpose of this rule is to ban extremely flammable contact adhesives which have been found to present an unreasonable risk of injury to consumers of burns resulting from explosive and flashback fire.

§ 1302.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1302.

(b) The term *extremely flammable contact adhesive and similar liquid or semiliquid consumer products* means consumer products that have each of the following product characteristics:

(1) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open-cup test method prescribed by 16 CFR 1500.43; and

(2) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated